

necessary to salvation, and what entails punishment in the life to come. They look upon the injunctions of their religion, therefore, as orders emanating from God himself, and are consequently firm in their religious belief and more bigotted. They were therefore more dissatisfied, and as was to be expected, actually took a more prominent part in the disturbances than the Hindus. Certainly the interference of Government with any religion is as much opposed to sound policy, as to prevent the imparting of religious instruction (specially when the religion is one to which its votaries are firmly attached) is objectionable and improper. I do not, however, mean that our Government was really such as it was believed to be, but that certainly acts were done, which did not in any way tend to remove the erroneous impressions of the people.

*Cause 2nd.*—The promulgation of such laws and regula-

*Secondly.*—The promulgation of objectionable laws and procedures.

tions and rules of procedure as were not adapted to a Government like that of India, and which were opposed to the customs of the Natives, or injurious to their interests.

Even the Legislative Council had extended its interference to religious matters. Act XXI. of 1850

Act XXI. of 1850. was directly opposed to customs sanctioned by religion; besides, it gave rise to another erroneous notion, to the effect that it had been passed specially with the view of encouraging conversion to Christianity. It was known that as none professing a different religion could be admitted within the pale of Hindüism, Hindus could of course derive no benefit by it, while with regard to Mohammadans, those converted to Islamism, were prohibited by its provisions from inheriting property left by ancestors who had professed a different faith. As, therefore, no convert to Mohammadanism also could be benefitted by the Act, those only who would embrace Christianity were in a position to enjoy the advantages it held forth. For these reasons people believed that besides interfering with their religion, the Act plainly encouraged conversion to Christianity.

Act XV. of 1856 regarding Hindu widows was likewise directed

Act XV. of 1856.

against religious customs. It is true that the subject was ably discussed, and *Tiyavasthas* (legal opinions) were taken; but the Hindus, attached more to their customs and usages than their religion, were not only greatly dissatisfied with the Act, but regarded it as a measure intended to bring dishonor and ruin on their families. Moreover it was further erroneously supposed that the law had been passed with a view of placing Hindu widows in a position of independence, such as would enable them to act as they pleased.

The regulation that was in force in the Criminal Courts, re-

Giving liberty to females.

garding the recognition of the free rights of women, seriously affected the honor and reputation of the Natives of India, and was opposed to their customs. Even married women were permitted by the Magistrates' Courts to act quite independently. The legitimate authority which the guardians of women possessed over them, was therefore virtually put an end to. Now all this evidently acted very prejudicially to the interests of religion. The authority that was vested in the Civil Courts to enquire into these matters, was neither sufficient nor productive of any beneficial results; and consequently the investigation of an affair which the religion, customs, and usages of the people required to be immediately enquired into, was involved in so much confusion and delay as to give rise to more serious evils. Very few decrees of the Civil Courts for restoring wives to their husbands were ever put into execution: while in many cases could be found in which a woman had given birth to two or three children at her seducer's home while the complainant was endeavouring to identify the party concerned!

There are in force certain Acts and Regulations according to

The promulgation of certain Acts in cases where the parties are of one religion.

which cases, in which the parties concerned happen to be of one and the same religion, are decided in a manner quite contrary to the doctrines of the faith they profess. I do not mean that our Government should encourage or prove partial to

any one religion. It is undoubtedly necessary that suits, the parties to which are of different religions, should be decided with a view to justice only, provided that in dealing out justice nothing be done contrary to the religious belief or caste of either party. But cases in which the parties are of the same religion, and which involve the adjudication of Civil rights, ought to be decided in accordance with their religion, customs, and usages.

The laws and regulations regarding the resumption of *La-khirdj* lands, the last of which is Regulation II. of 1819, were seriously pernicious in their consequences to British supremacy in India. Nothing perhaps has ever given rise to so much dissatisfaction among the people, and made them more disaffected to the Government than the resumption of these lands. How truly has Sir Thomas Munro and the Duke of Wellington

The result of extinguishing the Native states according to Sir Thomas Munro, "in place of raising to debase the whole people," and according to the Duke of Wellington, "to degrade and beggar the Natives making them all enemies."

said, that the resuming of *La-khirdj* lands was but to engender enmity on the part of the Natives of India, and to reduce them to poverty and destitution. I cannot describe the evils which the resumption proceedings produced in the country, the dissatisfaction they caused, the offence they gave to the people, and the troubles and difficulties they involved them in. Numerous *Moodjis* that had come down from centuries past, were resumed on slight and insufficient grounds. The people therefore began to think, that, as the Government, instead of protecting and supporting them, confiscated even the *Jaghirs* conferred on their ancestors by former rulers, they had very little to hope for from it. It may be urged in favor of the Government that if these resumptions of *La-khirdj* lands had not taken place, it would have been necessary to take measures for the imposition of additional taxes on the people, with the view of meeting the public expenditure, reasoning which it must be admitted is based on sound principles; but a consideration such as this could bring no consolation to the people, nor remove the difficulties and hardships into which they had been involved. It is worthy of notice that all the proclamations

issued by the rebels, with the view of misleading the people, referred to nothing but two circumstances, *viz.* interference with religion, and the resumption of *Moodjis*. From this it is clearly evident that these two circumstances were the original and principal causes of the dissatisfaction of the people of India, and especially of the Mohammadans, who had suffered more than the Hindus.

During former régimes, the practice of disposing of Zamindari rights either by private sale, or mortgage, or gift, was no doubt prevalent, but such things were very rare. Whenever, however, they did take place, it was with the consent of the parties concerned. The practice of putting up Zamindari rights for peremptory sale in satisfaction of debts or arrears of revenue, did not exist. The Natives of India are firmly and dearly attached to the lands inherited from their ancestors, and consequently their loss pains them exceedingly.

Every Zamindari in Hindoostan, properly considered, may be described as a kind of small kingdom, in which from ages past, one person has been recognized as the Sirdar, [Chief] with the consent of all. In any matter which he decided upon, every proprietor had a voice allowed to him in proportion to his interest in the Zamindari. Even the village *Chawdharis* were permitted to be present, and allowed to give their opinions. Whenever any case assumed a serious aspect, it was decided by the Zamindar, in concert with some great man or Sirdar of a large village. In all the villages throughout India, there existed an excellent form of government, and parliaments on a small scale. Certainly Zamindars experienced the same degree of distress and mortification on the loss of their estates, as kings when deprived of their kingdoms; but the British Government paid no attention to these circumstances. There is now scarcely a single village in which some changes of proprietary rights, more or less, have not taken place since the commencement of English rule up to the present moment. At first these public sales were so numerous and so irregularly conducted,

that the whole country was thrown into disorder and confusion. With a view, however, to putting a stop to the evils which resulted from these proceedings, Regulation I. of 1821 was passed, and a Commission was also appointed. But this Commission gave birth to a hundred other evils of a different character; and as it failed to realize the objects for which it had been issued, it was at last abolished.

I do not wish here to enter into any discussion as to whether, if the Government had not introduced the system of public sales, it could have done any thing else for collecting its revenue, and as to why lands which are held liable for the revenue assessed on them, should not be put up to public auction; for my present object is merely to state that these public sales, whether they were resorted to from ignorance or necessity, formed the causes of the rebellion. Should however any person desire to argue the point, I beg to refer him to my work on the system of administration best suited to the Government of India; but I cannot forbear stating that to consider land liable for the revenue assessed on it, is an opinion open to much question, for the demand of the State is not so much upon the land as upon its produce.

The practice of disposing of Zemindari rights by public sales for the realization of debts, was productive of the most pernicious consequences. Mahájans and monied men imposed upon the Zamindars, lent them money, and played off numerous tricks purposely with the view of seizing their estates. They brought numerous suits of various descriptions, whether false or true, into the Civil Courts, and old and ancient families were dispossessed of their property by them, they themselves becoming the owners thereof. These proceedings therefore seriously affected the condition of the Zamindars all over the country.

The assessments of revenue fixed by our Government were really deserving of great praise; but they were very heavy in comparison with those which obtained during former régimes when revenue was taken in kind. The demand of the State had been limited by

Shér Shah to a third of the produce. There is no doubt whatever that this system engendered various difficulties, as well as entailed loss to the Government; but under it the cultivators enjoyed ease and prosperity, inasmuch as they had not to pay for losses sustained. Akbar the 1st approved and adopted this very system of taking one-third of the produce of the land; but he declared and fixed the assessments. Lord Elphinstone (*sic.*) in his admirable history refers to this subject, and the author of the *Ayín Akbarí*, fully describes it. Akbar divided land into several classes, from the first of which, called *polach*, or land that was cultivated every year the Government demand or share was yearly realized. The second class of land was called *paraoti* which was not brought under tillage every year, but was suffered to lie fallow for sometime, that the soil might be invigorated. No claims of revenue were made upon this kind of land, except in those years when it was cultivated. The third class of land was known by the name of *chachar*, which lay uncultivated for the three or four years previous, and which required to be manured and improved at some expense. In the first year of its cultivation, only two-fifths of the assessed revenue was taken, but it was yearly increased, till in the fifth year the maximum was reached. The fourth class comprised all lands denominated *banjar*, which had remained waste for more than five years. The temporary settlement of these lands for realizing the revenue in kind, instead of in money, was thus made. An average of the produce of each *bighá* of the several sorts of land above described was taken. For example, suppose nine *mans* of grain was fixed as the average produce of each *bighá*, three *mans* were due to Government as rent thereon. The price of grain was also determined according to the average rates, and thus the amount of rent payable in money was fixed. In this there was great advantage to the cultivator. If he considered the rate according to which rent was payable in money as too exorbitant, he had the option of paying in lieu thereof one-third of the produce in kind. In the settlements made by the British, these and many other similar things were not taken into consideration. Uncultivated lands were burdened with a permanent assessment, and such lands as required to be improved by being allowed to lie



fallow for some time, were not exempted from taxation at all. These lands being brought under cultivation every year, gradually lost their vigour, and produced less and less in proportion. Accordingly the assumptions upon which the assessments had been based lost much of their force. In many districts the assessments were fixed at heavy rates, and both landholders and ryots suffered much in consequence. Gradually they sunk under their losses, and cultivation as a matter of course was greatly neglected. From the operation of these causes, lands could not be cultivated as well as they should have been, and accordingly produced less than they ought to have yielded. Debts were therefore incurred by the owners, to meet the demands of the revenue officers, and these debts having increased by the accumulation of interest on money borrowed, numbers of once opulent landholders were reduced to poverty and destitution. Villages in which there was a great quantity of waste land, suffered most of all. The late Hon'ble Mr. Thomason writes in the 64th Section of his "Guide to Revenue Officers" that, in the settlements made in conformity with the provisions of Regulation IX. of 1833, profitable lands were assessed at a rate lower than the unprofitable lands. Again much of the illegal gains of the Zamindars was put a stop to, which was certainly good and proper, but no such relaxation in the terms of the settlement was made as the condition of the different kinds of land required. In short from these causes the landholders and ryots gradually grew poorer and poorer, and in spite of the ease and tranquillity enjoyed by the Zamindars, they could not forget former Governments.

The abolition of *Talookahdar* rights was another ostensible

The abolition of *Talookahdar* rights, particularly in the Oude Provinces.

cause of the disturbances, though I do not mean to assert that any injustice was done by it. In the Oude province particularly, these *Talookahdars* were like independent Rajas, exercising almost regal powers within their respective *Talookahs*, as well as enjoying large profits. With the abolition of their rights in the land, ceased also their power and gains. I do not wish to discuss here how the Government could have protected the real

proprietors of the land from the oppressions of these petty tyrants without depriving them of the power they had so flagrantly abused. My opinions regarding this matter have been set forth in another pamphlet. I content myself, therefore by merely stating that the degradation of the *Talookahdars* from their former position was one of the causes of the insurrection.

The use of stamp paper is a custom exclusively prevailing in

The introduction of stamp paper. European countries, where there is, as it were, no land tax at all. Its introduction into India and the gradual increase in its price up to 1849, when it was finally settled by Act X. of that year, were quite opposed to the customs of the Natives. It was moreover impolitic and inexpedient, considering the straitened circumstances the people had been reduced to. People of a former period have written and argued much on the subject of the introduction of stamp paper, and even cited numerous examples in proof of the advantages expected to result therefrom; others again have adduced stronger arguments disproving the assumptions of their opponents, and showing that their assertions were opposed to the reality of the case. I have no desire to notice these arguments; it is sufficient for my purpose to state that those arguments are applicable to countries, the people of which are educated, wealthy, truthful, and capable of judging of the merits of lawsuits. The Natives of India who are daily getting more and more impoverished, are but ill able to bear this burden. All wise men have condemned this stamp tax. They are of opinion that it is much more objectionable and impolitic to tax the paper used for drawing up a complaint upon, than that used for deeds and documents. Mr. Mills' work on Political Economy, and Lord Brougham's Political Philosophy, abound with objections against the use of stamp paper. The Natives of India condemned it more than those of England.

The system of Civil administration in force in Bengal and the North-Western Provinces of the Presidency of Fort William, is highly commendable. It had nothing to do with the rebellion; I am aware that

The system of Civil administration in the Bengal Provinces superior to that in the Punjab, but requires revision in certain points.

the opinions of most Government officials are opposed to mine, and that they prefer the Punjab system of administration. I therefore consider the subject important enough to be noticed at some length. The Punjab Code is but a compendium of the laws and regulations in force in these provinces. No regulations or laws have been enacted extending its provisions, or making alterations in it. Each officer is vested with discretionary powers in this matter. The judgment of every officer may not be sound. It can therefore be imagined how many evils are possible. The Civil Courts are the most important of all Courts, and the business thereof ought to be managed with as much care and regularity as possible. It is upon the proper and systematic working of these Courts that depends the prosperity of the country, the improvement of commerce and trade, and the preservation of the rights of the people. The importance of these Courts, however, is very much depreciated in the Punjab. The authorities do not pay the slightest attention to the business connected with them, and I may even state that, were they willing, they have not sufficient time to attend to them. As yet the files of the Punjab Civil Courts do not furnish so many cases for adjudication as those of the Courts in the older provinces of the British Government, where litigation prevails to a greater extent, not only on account of the large number of changes that have occurred, but on account of the length of time that has elapsed since their conquest. When, however, the Punjab Civil files are similarly encumbered, it is almost certain that the Punjab Code will be found wanting in dealing with cases of a complicated nature. The connection of the Civil Courts with the rebellion appears to have resulted simply from two causes: *firstly*, the forcible seizure and deprivation of proprietary rights, and *secondly*, debt in general, or in consequence of the Court's decrees. These two however were prolific causes of quarrel and disputes among the people themselves, but they did not form any grounds of resistance to the Government. It is generally the case that whenever the authority of the Government is somewhat weakened, all the latent jealousies and enmities of the people break forth with unusual violence, and lead to disturbances and breaches of the peace. A principal cause of these during the rebellion, was the unjust

deprivation of proprietary rights, and the execution of judgments decreeing false claims against parties not really indebted. For this reason the Civil Courts have come in for a large share of obloquy. It scarcely admits of any doubt that the way in which the business of the Punjab Civil Courts is conducted (the cases being generally disposed of summarily, without much enquiry into their merits, and at the discretion of the presiding officer), will hereafter occasion much disgust and vexation. The effects of the action of the Civil Courts do not generally become apparent within ten years or so. After fifty years more it will be necessary to introduce into the Punjab Provinces the system of administration and procedure that prevails in these. I freely admit that the laws and regulations in force in Bengal and the North-Western Provinces are susceptible of improvement. Great delay takes place in the final adjudication of cases, and the ruinous price of stamp paper, as well as the facilities afforded for carrying every suit through several Courts of appeal, involve the parties thereof in unnecessary and heavy expenses. Owing to the Civil Officers too not having been invested with certain necessary powers, great inconvenience is felt in deciding cases. This has been remedied to some extent by the passing of Act XIX. of 1853; but the law is susceptible of further improvement. But I beg to refer the reader for my opinions on this head to my treatise on the good Government of India.

*Cause 3rd.*—The ignorance of Government of the condition, manners, customs, and prejudices of their subjects, the injuries they were suffering, and on which account they were becoming disaffected.

There is no doubt that the Government was ignorant of the condition, habits, and grievances of its subjects; nor was there any means of getting information on these points; for a knowledge of the circumstances, wishes, and habits, of the people can be acquired only by freely mixing and having constant social intercourse with them, which again is possible only when one race of men unreservedly mix with another, living together

*Thirdly.*—The ignorance of Government of the state of the country and its subjects.